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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,629 ,	08/17/2001	Howard Lee	6309	
75	90 02/12/2004		EXAM	NER
EDWARD P DUTKIEWICZ			SMITH, JAMES G	
P O BOX 511 LARGO, FL 33779-0511			ART UNIT PAPER NUMBER	
,			3723	1-1
			DATE MAILED: 02/12/2004	. []

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
÷	09/932,629	LEE, HOWARD
Office Action Summary	Examiner	Art Unit
	James G. Smith	3723
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was railure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	86(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on <u>09 Ja</u> 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) ☐ Claim(s) 1 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or		
Application Papers		
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the original transfer of the correction of the original transfer of the correction o	epted or b) objected to by the formula of the following on be held in abeyance. See ion is required if the drawing (s) is object.	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive ı (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim, as amended, now requires a cut face and four rectangular faces, then refers to "the face" in line 16, thus it is unclear as to what "face" this refers and therefore there is a lack of proper antecedent.

Also, it is unclear as to what is meant by "a square flat cut free" added to the claim. Should this be "face"?

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 1 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons and Rocca.

Parsons shows the claimed invention except for the use of a bevel on the inner portion and the specific size proportions. Rocca suggests that a driver can have such a bevel at any point. It would therefore be obvious to one skilled in the art at

the time the invention was made to modify Parsons by using a bevel <u>because</u> Rocca suggests the use of such a bevel.

Conversely, it would be obvious to modify Rocca by using a square cross section instead of a hex as Parsons suggests the shape to be well known and Rocca states that any well known shape can be used.

Further, to size any tool or part thereof to fit a desired need is an obvious modification to one skilled in the art.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Both references clearly show that a driver can have an inner and outer working end that can engage within corresponding recesses in a fastener and that the shape can be any well known shape, e.g. square, hex, octagonal, etc.. Further, the end of the bit can be made flat, as clearly shown by both references to engage with a corresponding flat surface in the fastener.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G. Smith whose telephone number is 703-308-1746. The examiner can normally be reached on M-Th (7:05- 4:35) Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James G. Smith Primary Examiner Art Unit 3723

jgs 2/11/04